

**UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT**

**JENNIFER GREGORY,  
Plaintiff**

**v.**

**METROPOLITAN LIFE INSURANCE  
COMPANY and AMERICAN  
AIRLINES, INC., c/o American Eagle  
Inc. and Executive Airlines,  
Defendants**

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**File No. 1:08-CV-150**

**ORDER**

The Magistrate Judge's Report and Recommendation was filed February 2, 2009. (Doc. 47.) After de novo review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1).

The defendants' respective motions to dismiss Counts II and IV of the Amended Complaint (Docs. 14, 40) are GRANTED. Counts II and IV of the Amended Complaint, which plead causes of action for breach of fiduciary duty against each respective defendant, are DISMISSED.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 19<sup>th</sup> day of March, 2009.

/s/ J. Garvan Murtha  
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Honorable J. Garvan Murtha  
United States District Judge